

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 CHERIE L TASH,

11 Plaintiff,

12 v.

13 MICHAEL J ASTRUE, Commissioner of
14 the Social Security Administration,

15 Defendant.

CASE NO. 11-cv-5423-BHS-JRC

REPORT AND RECOMMENDATION
ON STIPULATED MOTION TO
REMAND

16 This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28
17 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by Mathews,
18 Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This matter is before the Court on
19 defendant's stipulated motion to remand the matter to the Commissioner for further
20 consideration. (ECF No. 15.)

21 After reviewing defendant's stipulated motion and the relevant record, the undersigned
22 recommends that the Court grant defendant's motion, and reverse and remand this matter to the
23 Commissioner, in accordance with sentence four of 42 U.S.C. § 405(g).
24

1 Following remand, based on the parties' stipulation, this Court recommends that the
2 Administrative Law Judge (the "ALJ") further develop the record, re-evaluate the medical source
3 opinions of record, and obtain supplemental medical expert evidence at step three of the
4 sequential evaluation in order to clarify whether or not plaintiff's impairment meets or equals the
5 severity of an impairment listed in 20 C.F.R. Part 404, Subpart P, Appendix 1. Following
6 remand, the ALJ also should be notified of plaintiff's attainment of advanced age in July, 2010.
7 Furthermore, the case should be consolidated with subsequent applications filed by plaintiff on
8 May 25, 2011. The ALJ should make a *de novo* determination as to disability and issue a new
9 decision.

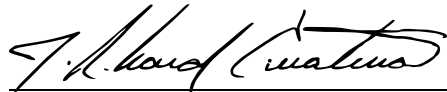
10 This Court further recommends that the ALJ take any other actions necessary to develop
11 the record. In addition, plaintiff should be allowed to submit additional evidence and arguments
12 to the ALJ on remand.

13 Following proper application, plaintiff should be eligible for attorney's fees under the
14 Equal Access to Justice Act, 24 U.S.C. § 2412, *et seq.*

15 Given the facts and the parties' stipulation, the Court recommends that the District Judge
16 immediately approve this Report and Recommendation and order that the case be **REVERSED**
17 and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

18 JUDGMENT should be for plaintiff, and the case should be closed.

19 Dated this 18th day of November, 2011.

20 

21 J. Richard Creatura
22 United States Magistrate Judge
23
24